

#### **§ 456.234**

the individual's admission and the initial continued stay review date is no greater than the number of days reflected in the 50th percentile of the norms. However, the committee may assign a later review date if it documents that the later date is more appropriate;

(e) The initial continued stay review date is not in any case later than 30 days after admission of the individual or notice to the mental hospital of his application for Medicaid; and

(f) The committee insures that the initial continued stay review date is recorded in the individual's record.

#### **§ 456.234 Subsequent continued stay review dates.**

The UR plan must provide that—

(a) The committee assigns subsequent continued stay review dates in accordance with §§ 456.235(a) and 456.233;

(b) The committee assigns a subsequent continued stay review date at least every 90 days each time it decides under § 456.236 that the continued stay is needed; and

(c) The committee insures that each continued stay review date it assigns is recorded in the recipient's record.

#### **§ 456.235 Description of methods and criteria: Continued stay review dates; length of stay modification.**

The UR plan must describe—

(a) The methods and criteria, including norms if used, that the committee uses to assign initial and subsequent continued stay review dates under §§ 456.233 and 456.234 of this subpart; and

(b) The methods that the committee uses to modify an approved length of stay when the recipient's condition or treatment schedule changes.

#### **§ 456.236 Continued stay review process.**

The UR plan must provide that—

(a) Review of continued stay cases is conducted by—

(1) The UR committee;

(2) A subgroup of the UR committee; or

(3) A designee of the UR committee;

(b) The committee, subgroup or designee reviews a recipient's continued stay on or before the expiration of each assigned continued stay review date;

#### **42 CFR Ch. IV (10–1–11 Edition)**

(c) For each continued stay of a recipient in the mental hospital, the committee, subgroup or designee reviews and evaluates the documentation described under § 456.211 against the criteria developed under § 456.232 and applies close professional scrutiny to cases described under § 456.232(b).

(d) If the committee, subgroup or designee finds that a recipient's continued stay in the mental hospital is needed, the committee assigns a new continued stay review date in accordance with § 456.234;

(e) If the committee, subgroup or designee finds that a continued stay case does not meet the criteria, the committee or a subgroup that includes at least one physician reviews the case to decide the need for continued stay;

(f) If the committee or subgroup making the review under paragraph (e) of this section finds that a continued stay is not needed, it notifies the recipient's attending or staff physician and gives him an opportunity to present his views before it makes a final decision on the need for the continued stay;

(g) If the attending or staff physician does not present additional information or clarification of the need for the continued stay, the decision of the committee or subgroup is final; and

(h) If the attending or staff physician presents additional information or clarification, at least two physician members of the committee, one of whom is knowledgeable in the treatment of mental diseases, review the need for the continued stay. If they find that the recipient no longer needs inpatient mental hospital services, their decision is final.

#### **§ 456.237 Notification of adverse decision.**

The UR plan must provide that written notice of any adverse final decision on the need for continued stay under § 456.236 (f) through (h) is sent to—

(a) The hospital administrator;

(b) The attending or staff physician;

(c) The Medicaid agency;

(d) The recipient; and

(e) If possible, the next of kin or sponsor.